

**REMARKS****I. Status of the Claims**

Claims 1-40 are canceled without prejudice or disclaimer.

Claims 41-43 are added without the introduction of new matter.

Claims 41-43 are pending.

**II. Amendments to the Claims**

New claims 41-43 are supported by, for example, the Specification at page 20, line 11 to page 30, line 17. Independent claim 41 includes features of generating the binarized image based on the respective difference values between the image photographed with flash emission and the plurality of images photographed without flash emission and performing the composition of the image photographed with flash emission and the plurality of images photographed without flash emission by changing the threshold value for setting region data. Accordingly, the portrait region and the background region can be precisely separated in the composition operation, and error (i.e. noise) existing in a specific one image can be avoided by the logical product between the plurality of binarized images.

In an Information Disclosure Statement filed on July 18, 2006, Applicant disclosed three references cited in the International Search Report mailed April 18, 2006. Those three references, which are Japanese Patent Application Publications 2002-044510, 2000-307941 and 2003-046848, disclose techniques of performing a composition of two images that are an image photographed with flash emission and image photographed without flash emission. However, none of the above three references teach or suggest the above-noted features of claim 41.

Therefore, new claim 41 and claims dependent therefrom are distinguishable over the above-noted three references.

### **CONCLUSION**

In view of the above amendments, Applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

### **AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-5780. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

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Respectfully submitted,

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